

REMARKS

Claims 21-24, 27-29 and 32-34 remain in this application.

The Examiner rejects claims 21-24, 27-29 and 32-34 as unpatentable over USP 6,230,268 to Miwa et al in view of USP 6,289,102 to Ueda et al.

The patent to Miwa et al is cited as teaching detecting from digital data any digital watermark that may be imbedded in the digital data, the watermark being embedded through a transformation of the digital data, and if a watermark is detected, access control is performed using the watermark.

The Examiner notes that Miwa et al fails to teach scrambling the digital data and its watermark.

The Examiner then cites the patent to Ueda et al for its teaching of scrambling digital data with digital watermark, and recording the scrambled digital data with digital watermark onto a medium.

The present invention controls copy or playback of digital data wherein a digital watermark is embedded within the digital data by way of a transformation of the digital data.

The present invention makes it possible to distribute original digital data in a safer manner than was possible in the prior art because the original digital data is both scrambled and encrypted using one common encryption key, i.e. using the same encryption key for both operations, and thereafter the scrambled and encrypted digital data is both descrambled and decrypted using the common encryption key.

The present invention's process and means whereby both scrambling and encoding is performed using one common encryption key provides that there is no way to both descramble

and decode the digital data in the absence of the common encryption key. Thus, it is possible to distribute the digital data in a safer manner than in the prior art.

It is respectfully submitted that the Examiner's citations do not teach or suggest both scrambling (i.e. disarranging the elements of a transmission in order to make the transmission unintelligible to interception) and encoding (i.e. converting information from one system of communication into another, especially to convert a message into a code for transmission) using the same encryption key for both the scrambling operation and the encoding operation.

In order to more clearly distinguish the claims remaining in this application from the Examiner's citations, all claims now include this new, unusual and unobvious feature.

For example, independent claim 21 (currently amended) requires both scrambling and encoding of the digital data and the digital watermark using a common encryption key, such that subsequent copying or playback of the scrambled and encoded digital data is inhibited in the absence of knowledge of the common encryption key.

It is respectfully submitted that the whole of the claims remaining in this application, which includes the above-noted limitations, is not anticipated or rendered obvious by the Examiner's citations.

Miwa discloses an action such as copy or playback by comparing an abstracted-token and an embedded-token that is detected from the digital-content, wherein the abstracted-token is generated by abstracting a compressed image. The token is kept secret, while generating an abstract from the token is open to the public using an asymmetric key. (see for example col. 8, lines 6-29).

Ueda teaches descrambling scrambled data using a key, wherein the key is recorded in a lead-in area. This key is not subjected to a scrambling procedure along with the digital data (see

for example col. 32, lines 24-44), and the key is subjected to an encryption separately from the scrambled sectors (see for example col. 19, lines 33-50).

Even if the teachings of Miwa were combined with the teachings of Ueda et al, the resulting combination provides only the use of a secret asymmetric key apart from the source scrambled digital data and the digital watermark. The combination does not teach both scrambling and encoding digital data using the same encryption key for both operations.

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Reconsideration and allowance of the present application is respectfully requested.

Respectfully submitted,

HOLLAND & HART LLP

By: 

Francis A. Sirr, Esq.  
Registration No. 17,265  
P.O. Box 8749  
Denver, Colorado 80201-8749  
(303) 473-2700, x2709

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